

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

May 4, 2015 - 9:06 a.m.
Public Utilities Commission
21 South Fruit Street
Suite 10
Concord, New Hampshire

In re: **SITE EVALUATION COMMITTEE:**
DOCKET NO. 2014-05: Petition
for Jurisdiction over a Renewable
Energy Facility by Antrim Wind,
LLC, and Others.
(Continuation of Technical Session)

PRESENT:

Michael J. Iacopino, Esq. Counsel for the Committee
(Presiding) (Brennan Lenehan)

COURT REPORTER: Steven E. Patnaude, LCR No. 52

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

APPEARANCES:

Reptg. Antrim Wind, LLC:

Barry Needleman, Esq. (McLane, Graf...)
Patrick Taylor, Esq. (McLane, Graf...)
Jack Kenworthy (Antrim Wind Energy)

Reptg. Counsel for the Public:

Mary Maloney, Esq.
Senior Asst. Atty. General
N.H. Attorney General's Office

Reptg. Audubon Society:

David Howe, Esq.
Frances Von Mertens

**Reptg. Harris Center for Conservation
Education:**

James Newsom

Reptg. the Antrim Board of Selectmen:

Justin Richardson, Esq.

Reptg. the Wind Action Group:

Lisa Linowes

Reptg. Lorraine C. Block & Richard Block:

Lorraine Carey Block, *pro se*

Elsa Voelcker, *pro se*

Annie Law and Robert Cleland, *pro se*

Dr. Fred Ward, *pro se*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

PAGE NO.

WITNESS: LISA LINOWES (*resumed*)

EXAMINATION BY:

Mr. Taylor (*resumed*) 6

Mr. Richardson 27

WITNESS PANEL: LORANNE CAREY BLOCK
ANNIE LAW
ROBERT CLELAND
ELSA VOELCKER

EXAMINATION BY:

Mr. Taylor 56

P R O C E E D I N G

1
2 MR. IACOPINO: Okay. We are here for a
3 continuation of the technical session in the Site
4 Evaluation Committee Docket Number 2014-05. This
5 proceeding began on April 23, 2015, and we ran out of time
6 and adjourned until today. At the time, we were in the
7 middle of questions from the Applicant to Lisa Linowes.

8 Before we proceed with that, though,
9 let's just go around the room and have everybody identify
10 who they are, starting on my left and going
11 counterclockwise.

12 MR. NEEDLEMAN: Barry Needleman, McLane
13 law firm, representing Antrim Wind.

14 MR. TAYLOR: Patrick Taylor, McLane law
15 firm, representing Antrim Wind.

16 MR. KENWORTHY: Jack Kenworthy, with
17 Antrim Wind.

18 MR. IACOPINO: I'm Justin Richardson,
19 Upton & Hatfield, here for the Town of Antrim.

20 MS. VOELCKER: Elsa Voelcker,
21 representing herself.

22 MS. MALONEY: Mary Maloney, Counsel for
23 the Public.

24 MR. WARD: Fred Ward, representing

[WITNESS: Linowes]

1 myself, and the Town of Stoddard, hopefully.

2 MS. LINOWES: Lisa Linowes, with the
3 Windaction Group.

4 MR. IACOPINO: And, then, let's go to
5 you, Frances, and go that way.

6 MS. VON MERTENS: Frances Von Mertens,
7 New Hampshire Audubon.

8 MS. LAW: Annie Law, representing
9 myself.

10 MR. CLELAND: Robert Cleland,
11 non-abutting landowners.

12 MS. CAREY BLOCK: Loranne Carey Block,
13 non-abutting landowners.

14 MR. NEWSOM: James Newsom, Harris
15 Center.

16 MR. HOWE: David Howe, counsel for New
17 Hampshire Audubon.

18 MR. IACOPINO: Okay. Looks like we have
19 at least representatives from every party here. So, we
20 will begin.

21 I believe, Mr. Taylor, you were in the
22 process of asking questions of Ms. Linowes when we
23 adjourned on the 23rd. You'll proceed, please.

24 MR. TAYLOR: Thanks. And, Mr. Patnaude

[WITNESS: Linowes]

1 helpfully gave me the last page of the transcript from the
2 last time. So, I'll just pick up where I left off.

3 MS. LINOWES: Okay.

4 **WITNESS: LISA LINOWES (resumed)**

5 BY MR. TAYLOR:

6 Q. And, where we left off at the last technical session
7 you had indicated that you wanted to make the point
8 that "this Project is not different from the prior
9 Project"?

10 A. That's correct.

11 Q. Okay. And, I guess my question to you is, what are you
12 basing that opinion on?

13 A. Well, I think I laid out in the testimony that the --
14 eight of the nine turbines are in exactly the -- nine
15 of the nine turbines are in exactly the same location.
16 The one turbine just being slightly shorter and the
17 elimination of the other turbine is not enough to
18 change all that went into the whole proceeding back in
19 2012.

20 Q. So, --

21 A. Go ahead.

22 Q. I'm sorry. So, did you form your opinion based upon a
23 review of the Petition submitted by Antrim Wind in this
24 case?

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 A. Yes, and the testimony provided by Mr. Kenworthy and
2 Mr. Raphael. I did not, at that time, hope to get a
3 copy of Mr. Raphael's new visual assessment.

4 Q. Did anyone assist you in your assessment of Antrim
5 Wind's Petition?

6 A. No.

7 Q. So, it's just based solely upon your review of the
8 Petition?

9 A. Correct.

10 Q. In the prior docket -- well, let me ask you this. Who
11 else works with or who else works for Industrial
12 Windaction Group?

13 A. We're more of a network than we are an individual
14 group. And, so, there is -- I am really the face of
15 the Windaction Group. So, there's really no one else.

16 Q. So, when you say "we", who do you include within the
17 term "we"?

18 A. Well, it's -- I don't know how to answer that. It
19 would really be me then. I represent a network of
20 people across the country that have similar concerns
21 regarding wind energy development.

22 Q. And, how many people would be included in that network?

23 A. Thousands. Many, many thousands of people across the
24 country.

[WITNESS: Linowes]

1 Q. These are all people who have contacted you at some
2 point?

3 A. That I am -- either I am in direct contact with or I am
4 in direct contact with state leaders that we work with
5 that have similar concerns. And, then, they -- it's
6 really a hierarchal organization of our network on a
7 state-by-state basis.

8 Q. Okay. Do you have any sort of organizational chart
9 that would lay out that hierarchal network?

10 A. Well, there is a board of -- there are officers of the
11 Windaction Group, which are filed with the state, as it
12 has been created as a corporation operating in the
13 State of New Hampshire. So, there are officers. The
14 organizational chart of that network, I have not
15 created it. I haven't put one together. But there
16 are, depending on the size of the state, for instance,
17 a state like California, has several state leaders; a
18 state like Texas has several state leaders; whereas
19 Nebraska may have one, depending on the population and
20 the amount of development.

21 Q. Could you put together a list of the hierarchy of the
22 network, if I asked you to?

23 A. Their names?

24 Q. Yes. Their names.

[WITNESS: Linowes]

1 A. Yes. But I don't see where that's relevant?

2 Q. Well, this is a discovery phase. And, you're an
3 intervenor in this case. I'm interested in knowing
4 more about your organization. And, so, it's -- I think
5 it's relevant. So, my question to you is, can you
6 prepare that chart?

7 A. I can prepare one. I'm not sure if I will agree to
8 prepare one.

9 Q. Okay. I'm going to request that you prepare a chart.
10 Well, let me again ask you this. You said that there
11 were "thousands" --

12 A. Uh-huh.

13 Q. -- of people in your network. But that they are
14 organized -- let me just make sure I understand it.
15 There are thousands of people in your network. They're
16 organized under leaders in each state.

17 A. Uh-huh.

18 Q. Did I get that right?

19 A. That's correct.

20 Q. Okay. So, I guess my first request to you would be a
21 list, state-by-state, of all of the leaders who are
22 affiliated with your group?

23 A. Okay. In order for me to do that, I am going to have
24 to ask permission for all of those people to submit

[WITNESS: Linowes]

1 their names as part of this public process. And, I --
2 that would take time to do that. And, I'm still at a
3 loss as to why that's -- why that's important. Is it,
4 do you disbelieve that there is such a group? You
5 think those names don't exist, those people don't
6 exist? Is that the question?

7 Q. No, no. I do believe they exist. I just want to know
8 who they are.

9 MS. MALONEY: I'm going to object. I
10 thought that the purposes of this proceeding, the
11 discovery was based exclusively to address whether or not
12 there's a substantial change between the prior facility
13 and the current facility. And, this, regardless of
14 whether or not I, you know, individually, and, frankly,
15 Barry, you made it clear to me on Friday you would object
16 if I brought back Mr. Raphael, if I asked questions beyond
17 the scope of that, of what we understand the proceeding is
18 going to be. So, this sounds like more of a general
19 discovery question that you're --

20 MR. TAYLOR: Nope. Ms. Linowes has held
21 herself out as somebody who is qualified and that her
22 group is qualified to speak on the issue of jurisdiction.
23 And, I'd like to know more about her group. I'd like to
24 know more about the group's motivation.

[WITNESS: Linowes]

1 MS. MALONEY: She's already been granted
2 intervenor status. So, --

3 MR. TAYLOR: No, I understand that. So,
4 I just would like to know more about her group and the
5 group's motivations.

6 MR. IACOPINO: Okay.

7 MR. TAYLOR: I think it's a legitimate
8 request.

9 MR. RICHARDSON: If I may just
10 momentarily jump in?

11 MR. IACOPINO: Go ahead.

12 MR. RICHARDSON: I have some similar
13 lines of questioning. So, I think it is relevant, to the
14 extent this witness has prepared testimony, who is it
15 being prepared on behalf of? Certainly, I can't imagine
16 how the groups that are involved in Windaction's positions
17 before the Town of Antrim and this Project, I mean, those
18 are inescapably relevant. You know, "who did you speak
19 with?" "Who do you work for?" Those are really
20 fundamental questions that people can protect by not
21 filing testimony. But, once an individual files
22 testimony, I think all of that is subject to discovery.
23 Whether or not it's relevant, we won't know until we hear
24 the answers.

[WITNESS: Linowes]

1 MR. IACOPINO: Yes. I understand the
2 request to be a request of Ms. Linowes for the hier --
3 well, for the list of state leaders that are in her
4 network. Is that the request? And, I understand that you
5 objected. Is that right? List of the state leaders?

6 MR. TAYLOR: That is --

7 MR. IACOPINO: I just want to get it, so
8 I can make a list, because I'm not going to decide this.
9 If she objects, you're going to have to file a motion to
10 compel.

11 MR. TAYLOR: That's my request, yes.

12 MR. IACOPINO: Okay. So, it's the
13 state-by-state leaders?

14 MR. TAYLOR: Yes.

15 MR. IACOPINO: Okay.

16 MR. TAYLOR: And, my understanding from
17 Ms. Linowes is that there were not more than a few leaders
18 in each state. So, --

19 MR. IACOPINO: Okay. That's fine.
20 Obviously, it will be the Presiding Officer that makes the
21 decision on whether or not, unless you want to agree to
22 give him the list?

23 MS. LINOWES: Well, what would you use
24 it -- what would be the purpose of the list?

[WITNESS: Linowes]

1 MR. TAYLOR: I've already made the
2 request.

3 MS. LINOWES: Okay.

4 MR. TAYLOR: And, I'm not going to
5 justify the request. I think I've already stated the
6 basis for it. So, --

7 MR. IACOPINO: You get questions like
8 this all the time, Lisa, because of the nature of
9 Windaction Group. And, I think that, you know, he wants
10 to know "well, who are these folks?" I mean, it's a -- I
11 think it's a fair question. If there is such a network, I
12 don't see that -- I mean, assuming these people are state
13 leaders, they must take public positions in their states.
14 I would assume that it's something that is easily put
15 together and provided.

16 But, you know, if you want to object,
17 that's you're prerogative to object. And, it won't be me
18 making the decision. It will be the Chair or the
19 Committee that decides. But just, I mean, that's just my
20 view of it. I don't think it's an unfair request, and
21 just so you know.

22 But why don't we move onto the next
23 questions then.

24 MR. TAYLOR: Sure.

1 BY MR. TAYLOR:

2 Q. And, I guess then my next question is, do you keep a
3 list of -- you mentioned that you speak for "thousands
4 of people".

5 A. Uh-huh.

6 Q. Do you keep a list of all the folks who I guess are
7 members of industrial Windaction Group?

8 A. We're not a membership group. And, I want to make sure
9 that we're clear on what you're asking -- what you're
10 talking about or what your perception of the network
11 is. Because, as I said, it isn't -- there is a network
12 of people that we all communicate with each other on
13 some level. I do not communicate with people that are
14 on the ground, necessarily, for a specific project, but
15 communicate with people that are at the state level,
16 that are more integrated in all of these. So, in a
17 state like Indiana, I'll take as an example, they were
18 directly involved with organizing and raising concerns
19 as a statewide effort over wind development, and that
20 those are the people that I work with directly.

21 But, say that, I mean, they're not out
22 there saying that they are Windaction -- they are
23 members of the Windaction Group. It is not a
24 membership organization. It is -- we're an

[WITNESS: Linowes]

1 informational group. We try to bring information, we
2 try to intervene, and just raise the level of the
3 debate. That's what the organization does. And, so,
4 to try and impose on that a strict hierarchy doesn't
5 really make sense.

6 Q. Oh, okay. I mean, I only used the word "hierarchy"
7 because that was the word you had used.

8 A. That's -- I know. I did use that. But to -- but I'm
9 telling you that it's much more fluid than that.

10 Q. Are there any, aside from state leaders, are there
11 policy groups that are part of your network?

12 A. Not really, no. There are organizations that have
13 already or have, on their own, taken a stand regarding,
14 say, wind energy and the subsidies that it collects.
15 But not really, no. I'm only -- we made a point of
16 only working with individuals, or their own groups,
17 which are not policy-oriented groups. They're groups
18 of people that have collected together because of wind
19 energy specifically.

20 Q. Okay. And, when you say "individuals", those are the
21 people who I've requested information about, the state
22 leaders? Or are you referring to somebody else?

23 A. I'm not sure I understand the question. Did I use the
24 word wrong?

[WITNESS: Linowes]

1 Q. You just said that you "work with individuals". And,
2 so, --

3 A. Work with -- right. The groups that I would work with,
4 though, would be other -- so, as an example, if a wind
5 project is proposed in a community, they may form a
6 group. There may be a group of people that organize
7 together in opposition to the project. So, there will
8 be a group leader there. And that -- I would
9 communicate with that group leader. Or, if that group
10 leader worked with other group leaders, and they
11 became -- they organized more collectively across a
12 state, I would work with the leader of that group,
13 overall group.

14 Q. In the prior docket, you indicated that some people
15 from Antrim asked you to get involved in that docket?

16 A. Correct.

17 Q. Can you say who specifically contacted you?

18 A. The Blocks, Loranne and Richard Block. They -- I
19 worked with them. And, there were others. But I don't
20 remember specifically, you know, as -- if there was
21 anyone other than them that -- there were, but I don't
22 remember who had hoped that I would get involved, and
23 expressed an interest in my getting involved.

24 Q. If you were to go back and look at notes or e-mails,

[WITNESS: Linowes]

1 would you be able to come up with those names?

2 A. I might be able to come up with those --

3 Q. Okay. I'll request --

4 (Court reporter interruption - multiple
5 parties speaking at the same time.)

6 **BY THE WITNESS:**

7 A. On whether or not I could come up with the names? Yes.
8 I could check, if I have the e-mails going back to
9 that.

10 BY MR. TAYLOR:

11 Q. Going back for a moment to your network, I wanted to
12 ask, are you aware of anyone within your network ever
13 supporting a utility scale wind project in the United
14 States?

15 A. Me? I don't -- I am not aware of it. But that doesn't
16 mean it hasn't happened.

17 Q. You mentioned that Industrial Windaction has officers.
18 Who are the officers of the Company?

19 A. Jonathan Linowes, and a gentleman by the name of Rob
20 Pforzheimer, P-f-o-r --

21 Q. I'm familiar with the last name.

22 A. Oh, you are. Thank you.

23 Q. So, I'm sure I could get it. And, are the officers
24 active in the organization?

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 A. Well, Jonathan Linowes has created the website. And, I
2 engage with him on issues, but -- and discuss with him
3 some issues. But, otherwise, not really. Not directly
4 involved.

5 Q. When you say you "discuss" --

6 A. They're involved in the wind energy issue, but --

7 Q. I'm sorry. I'm sorry.

8 A. They're involved in the wind energy issue. But, other
9 than -- but, otherwise, I don't spend a lot of time
10 interacting with them.

11 Q. When you say you "discuss issues with Jonathan
12 Linowes", those would be issues related to your work in
13 Industrial Windaction?

14 A. Correct.

15 Q. All right. In the -- again, referring back to the
16 prior docket, when you took the stand and testified,
17 you indicated that you were "willing to share
18 information regarding the funding of the organization
19 and where that funding came from". Is that information
20 that you ever actually did provide in that docket?

21 A. Can you read back to me exactly what I said? I would
22 have to see what I said. Because I don't -- I think I
23 stated at the time that "there wasn't much money."

24 Q. That's right. And, you stated "I've never been

[WITNESS: Linowes]

1 unwilling to share that information". Later you said
2 "I have nothing to hide." And, then, you did say that
3 it was "a fairly small amount of money".

4 A. Was I told that I had refused to share the information?

5 Q. Yes. You objected to it, in providing it in the last
6 case. But then you --

7 A. In what?

8 Q. -- indicated that you were not unwilling to provide it.

9 A. Okay. I'd need to see the whole transcript.

10 Q. Okay. Well, maybe I'll just make a request. In the
11 last technical session we were talking, you indicated
12 that you did get a small amount of funding from folks.

13 A. Uh-huh.

14 Q. And, so, do you keep records as to the funding that you
15 received?

16 A. I have --

17 (Court reporter interruption.)

18 MS. LINOWES: I'm sorry. Is this mike
19 on?

20 MR. IACOPINO: The red light.

21 **BY THE WITNESS:**

22 A. I do keep records. I have all of the information
23 regarding donations that have been made.

24 BY MR. TAYLOR:

[WITNESS: Linowes]

1 Q. Okay. So, what I'd like to request is a list of all
2 donations received by you, the amounts, and the
3 individual --

4 A. I'm not going to make that available.

5 Q. I'm sorry, I wasn't done with the request.

6 A. I am not going to make that available.

7 MR. IACOPINO: Let him finish his
8 request.

9 MR. TAYLOR: May I finish my request?

10 MR. IACOPINO: So that I can get it
11 down.

12 MR. TAYLOR: I'll just restate it. I'd
13 like a list of all the people or organizations that
14 have -- well, let me restate it. I'd like a list of all
15 donations that have been made to your organization, broken
16 out by the individual or the organization that made the
17 donation, and the amount received.

18 MR. IACOPINO: Is there a timeframe on
19 that?

20 MR. TAYLOR: Well, I think it's seven
21 days, isn't it?

22 MR. IACOPINO: No, no. A timeframe on
23 when you're requesting the information for?

24 MR. TAYLOR: I'll take it for the last

[WITNESS: Linowes]

1 four years.

2 MR. IACOPINO: And, you object to that?

3 MS. LINOWES: I do.

4 MR. RICHARDSON: If I may make a note,
5 that I concur with this request. We have to be careful
6 not to confuse whether or not something is discoverable
7 versus whether or not it's confidential. Speaking for the
8 Town, I mean I wouldn't see any reason why this isn't
9 relevant. There's certainly an argument could be made the
10 same way business's records of payments are confidential,
11 in terms of who made them. That's certainly something
12 that can be said.

13 But, obviously, if a person is speaking
14 for a nonprofit group, you know, whether those
15 contributions come from neighbors to the Project or
16 whether they come from competitors to Antrim Wind in other
17 energy markets, other types of facilities, coal plants. I
18 mean, you know, that's -- I'm not suggesting that that's
19 happening. But, obviously, it's something that is
20 discoverable, even if the information might be protected
21 as confidential.

22 MR. IACOPINO: So, if I understand what
23 you're saying, Mr. Richardson, you're suggesting that this
24 might be, I guess on behalf of the Town, you're saying you

[WITNESS: Linowes]

1 would make the same request, but you would offer a
2 confidentiality order to Ms. Linowes?

3 MR. RICHARDSON: Well, what I -- I would
4 certainly agree to accept it under confidentiality. What
5 I'm really trying to say is this. That we're, you know, I
6 hear the witness saying "I'm not going to produce this".
7 And, I'm hoping that we can reach an understanding here
8 that there's really two issues. One is as to whether or
9 not it's discoverable, and then the other is whether or
10 not it's confidential.

11 I think what Ms. Linowes is saying is
12 that she doesn't want to provide it, because she doesn't
13 want this information published. Well, that can be
14 addressed through confidentiality. And, once it's
15 relevant, it's really has -- or, likely to lead to the
16 discovery of relevant information that it becomes
17 discoverable. So, --

18 MR. IACOPINO: Does Mr. Richardson's
19 offer change your position at all, Lisa?

20 MS. LINOWES: Well, I have a question
21 regarding what he said. Are you making -- also making a
22 distinction between whether donations have been made by
23 neighbors or whether they have been made by oil companies,
24 coal companies, and others that might be perceived as

[WITNESS: Linowes]

1 being opposed to wind energy? Which would be the more
2 discoverable or the more interesting information.

3 MR. RICHARDSON: Well, I think we need
4 to see the list, because we don't know what the list is.
5 But, I mean, in the same way, and I can't speak from
6 personal knowledge, but I assume everyone would want to
7 know, in a proceeding on the merits, you know, who the
8 investors are in the energy company, who is providing the
9 finances for it.

10 MS. LINOWES: Uh-huh.

11 MR. RICHARDSON: And that, even though
12 it's confidential, is subject to discovery, but protected
13 by confidentiality orders. In the same sense here, where
14 a witness files testimony, and the organization on whom's
15 behalf it is filed is a nonprofit, I think we're entitled
16 to know where the money comes from.

17 MR. IACOPINO: I think that the request
18 that's been made to you, Lisa, does not differentiate
19 between corporations or individuals. And, my
20 understanding is he's listing -- he's looking for all the
21 donations made to your organization over the past four
22 years and who made them.

23 MR. TAYLOR: Yes.

24 MR. IACOPINO: I don't see any

[WITNESS: Linowes]

1 distinction there between whether it's individuals or, you
2 know, Exxon. So, that's the request.

3 I think what Mr. Richardson has raised
4 is this issue, is would you be willing to provide that if
5 you could come to a confidentiality agreement with the
6 parties who are provided a copy of that?

7 MR. TAYLOR: And, I'll just note, we
8 would agree to a confidentiality agreement. That wouldn't
9 be a problem for us.

10 MS. LINOWES: Okay. Let me say this. I
11 have participated in three separate proceedings, if I can
12 remember them: Lempster, Granite Reliable, Antrim Wind,
13 and this Project again. Okay? At no time have I been --
14 I've been asked, but at no time have I been mandated to
15 make this information available. I have stated in the
16 past the same answers I'm giving today. And, it would
17 appear that it has not been material to the prior
18 proceedings, and now it is. And, I guess I'm objecting to
19 that. So that I will answer that no one who's ever
20 donated to the Windaction Group is in any way, shape or
21 form involved with energy issues.

22 MR. IACOPINO: Okay.

23 MR. TAYLOR: All right.

24 MR. IACOPINO: So, we have -- I think

[WITNESS: Linowes]

1 she maintains her objection. It will be incumbent upon
2 you to file a motion to compel.

3 Why don't we move onto the next set of
4 questions.

5 MR. TAYLOR: That's fine.

6 MR. IACOPINO: It's something I can't
7 resolve here.

8 MR. TAYLOR: No, no. That's fine. And,
9 actually, I just have one follow-up question to this, and
10 then I will move on.

11 BY MR. TAYLOR:

12 Q. In terms of -- let me -- so, I limited the request to
13 the last four years. And, so, I guess maybe my
14 follow-up question is, have any donations been made in
15 the last four years?

16 A. Yes.

17 MR. TAYLOR: Okay. I don't have any
18 further questions for Ms. Linowes.

19 MR. IACOPINO: Okay. Next up would
20 be -- you already went, right? Or, did you not have any
21 questions?

22 MS. MALONEY: I don't have any questions
23 for Ms. Linowes.

24 MR. IACOPINO: Okay. So, Justin.

[WITNESS: Linowes]

1 MR. RICHARDSON: Thank you.

2 MS. LINOWES: Actually, before you
3 begin, I just want to make sure I have the list. I know
4 you're probably going to do it again, but while I'm
5 clear --

6 MR. IACOPINO: Sure. Yes, I can tell
7 you what I've got.

8 MS. LINOWES: Okay.

9 MR. IACOPINO: All right. I have -- the
10 first request is a list of the network state leaders on a
11 state-by-state basis, to which you've lodged an objection.
12 The second request is a request of the names of the Antrim
13 folks who requested your involvement in the last docket.
14 You agreed to try to find that information and provide it.
15 The third request is for four years' worth of funding
16 records listing amounts of donations and names of people
17 who donated, to which you have objected.

18 MS. LINOWES: Thank you.

19 MR. IACOPINO: Does anybody have any
20 other? Did I miss any requests?

21 (No verbal response)

22 MR. IACOPINO: And, of course,
23 obviously, one of them, there was an offer to accept that
24 information, in number three, as a -- subject to a

[WITNESS: Linowes]

1 confidentiality agreement.

2 Okay. Justin, if you want to begin with
3 your questions.

4 MR. RICHARDSON: Thank you,
5 Mr. Presiding Officer. That's what I have to say. I
6 can't say "Chairman" in this context.

7 MR. IACOPINO: Please don't.

8 MR. RICHARDSON: Good morning. Good
9 morning, Ms. Linowes.

10 MS. LINOWES: Hi.

11 BY MR. RICHARDSON:

12 Q. I think you answered this before, but I want to be
13 sure. There are three members of Windaction Group's
14 Board of Directors, is that right?

15 A. That's correct.

16 Q. And, I don't know the answer to this, so I'll ask. You
17 said that "John Linowes" is one member?

18 A. That's correct.

19 Q. And, what relation, if any, is he to you?

20 A. He's my husband.

21 Q. Okay. And, the other member was "Rob Pforzheimer", is
22 that right?

23 A. That's correct.

24 Q. Okay. And, what is his role?

[WITNESS: Linowes]

1 A. His role or his relationship?

2 Q. Well, what is his relationship with Industrial
3 Windaction Group? What does he do for the Group?

4 A. We have worked together for a number of years.

5 Q. Okay. And, what does he do when he works with you?

6 A. Well, we discuss the issues involving wind energy.

7 Q. Uh-huh. Have you discussed Antrim Wind with him?

8 A. Only as -- only to the extent that Eolian Wind has
9 sought to build a project in Vermont. And,
10 Mr. Pforzheimer lives in Vermont.

11 Q. Uh-huh. And, what is his -- what is his role in that
12 project?

13 A. I don't think he had a role in that project. Other
14 than he attended some of the hearings, some of the
15 public meetings.

16 Q. How often does your board meet?

17 A. It's not on a regular basis.

18 Q. So, how, with the understanding that it's not a
19 "regular meeting", how often? How many times per year,
20 for example?

21 A. I don't know.

22 Q. How many times in 2015 has it met?

23 A. It has not.

24 Q. 2014?

[WITNESS: Linowes]

1 A. I don't know. It's -- okay. What is the question?
2 Why are you going down this path?

3 Q. That's not a question --

4 A. Are you challenging --

5 Q. No.

6 A. -- whether or not we're a legitimate corporation?

7 Q. How often did your board meet in 2014?

8 A. I don't know.

9 Q. Do you think that it met in 2014?

10 MS. LINOWES: Is this a deposition or is
11 this a technical session?

12 MR. IACOPINO: Just if you can answer
13 the question, please answer it. Okay?

14 **BY THE WITNESS:**

15 A. Do I think we met in 2014? I don't know.

16 BY MR. RICHARDSON:

17 Q. So, does that mean you believe it did meet and you just
18 can't remember or do you think that it may not have
19 met?

20 A. I don't know.

21 Q. What's the last meeting of your board that you recall?

22 A. I don't know.

23 Q. How -- I'm going to make this easier for both of us if
24 I cross off some of my questions. Does your board keep

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 minutes?

2 A. What is it that you're looking for? Just ask me the
3 question. What are you looking for?

4 Q. I'm asking for whether or not your board keeps minutes?

5 A. I know that you asked that. But you're looking to get
6 some information. What information are you looking to
7 get?

8 MR. IACOPINO: Does the board keep
9 minutes? Lisa, please answer his questions, okay?

10 **BY THE WITNESS:**

11 A. I don't know. I can't tell you --

12 BY MR. RICHARDSON:

13 Q. The answer is "I don't know", is that -- is that
14 correct?

15 A. That's correct.

16 Q. Okay. Do you want to change that answer or is that you
17 don't know whether it keeps minutes?

18 A. We don't meet so formally.

19 Q. So, there are no minutes?

20 A. There are no minutes.

21 Q. Okay. So, how did you decide or reach the decision --
22 and, when I say "you", I'm referring to Windaction
23 Group first, let's start at that level. So, how did
24 Windaction Group come to decide to file testimony in

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 this case?

2 A. Well, we were part of the prior proceeding. And, we
3 thought that it would be beneficial to the process if
4 we were engaged again.

5 Q. When you say "we" --

6 A. I did.

7 Q. Okay. And, Windaction Group doesn't oppose every wind
8 project, I assume?

9 A. No.

10 Q. What made you select this Project? Or, what made
11 Windaction Group, let's start there?

12 A. In general or in 2012? In general, dating back to
13 2012, or today?

14 Q. Actually, I'm -- well, let's start with this
15 proceeding. What made Windaction Group decide to
16 intervene and oppose the jurisdictional request?

17 A. I think I just answered that.

18 Q. And, what was the answer, I may have missed it?

19 A. That I thought it would be beneficial to the
20 proceeding, to the whole process, if we did engage.

21 Q. And, how would it benefit the process? What would the
22 benefits be?

23 A. Well, I -- as a matter of bringing information forward.
24 I think, as I said -- stated last time I was here, I

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 think that the more information that's brought forward
2 in the proceeding, that is not by one party, by the
3 applicant, the more -- the more information that the
4 Committee has to make a decision.

5 Q. Uh-huh. But are the -- let me ask this on two levels.
6 And, just so you understand, I'm not making an
7 accusation. I'm trying to understand correctly. When
8 you say there would be benefits to full information,
9 would those benefits go to Windaction Group, to Town
10 residents, or to the public at large or to the
11 Committee? Who are the beneficiaries of that?

12 A. Well, I think to the -- the Committee benefits from it,
13 and I think the public at large benefits from it.

14 Q. Uh-huh.

15 A. I think any time, not to wax philosophically, but any
16 time there is more information to be had that can be
17 weighed, you're in a better situation than making a
18 decision on limited information.

19 Q. But that -- so, what you're describing then is a
20 benefit of having the Committee make what you believe
21 is the right decision. Is that fair?

22 A. I don't understand the question. I think the Committee
23 is going to make a decision based on information that's
24 in the record. There is -- I think the right decision

[WITNESS: Linowes]

1 is to not take jurisdiction. Not everyone agrees with
2 that decision. But the Committee is going to make its
3 decision.

4 Q. So, let's assume that, following your hypothesis, that
5 the Committee denies jurisdiction. Does that -- would
6 that decision benefit Windaction Group in any way?

7 A. No.

8 Q. Would it benefit --

9 A. Excuse me. Windaction Group, as a corporation in the
10 State of New Hampshire? No. Windaction Group, in that
11 we represent the voices of people in Antrim and
12 elsewhere in New Hampshire, I think it would benefit
13 them.

14 Q. Okay. Well, that was my second question. So, who then
15 would it benefit that -- who you consider to be a
16 member of your group?

17 A. We don't have a membership organization. But it
18 would -- okay. What is the definition of "benefit"?
19 No one is getting any financial gain from any of this.
20 I am not being paid, I think I made that clear.

21 Q. Understood.

22 A. Okay. So, "benefit from that decision"? That's -- I
23 don't know how to characterize -- I don't know how to
24 answer that.

[WITNESS: Linowes]

1 Q. Well, I'm thinking of it in the same way that you
2 believe there would be benefits to your participation
3 in this group. That's --

4 A. Okay.

5 Q. That's where we started from.

6 A. Yes.

7 Q. So, what I'm trying to contrast then is is that there
8 is no personal benefit to the corporation, Industrial
9 Windaction Group.

10 A. Correct.

11 Q. You agree with that?

12 A. Yes.

13 Q. Okay. So, you indicated that you are not a "membership
14 organization".

15 A. Uh-huh.

16 Q. So, in -- then, would you agree with me that your
17 thoughts are to benefit the general public, including
18 Antrim residents? Is that what you're seeking to do?

19 A. To the extent that I'm trying to simply make
20 information available to the Committee. The Committee
21 allowed me, granted my petition for intervenor -- to
22 become an intervenor in the interest of justice. I
23 agree with that. They have stated multiple times in
24 other orders that I did not meet the other obligation

[WITNESS: Linowes]

1 to become an intervenor because I had direct interests.
2 So, in the interest of justice, I'm here. I think that
3 that's beneficial to the Committee. And, to the extent
4 that the Committee has more information to make a
5 decision on, I think that's a benefit. I think that's
6 useful. An outcome will be the outcome.

7 And, beyond that, I'm not sure what -- I
8 can't really answer that there's a benefit to anyone.

9 Q. Okay. Your testimony goes over, I think, three issues,
10 and bear with me a second. I believe they are noise,
11 aesthetics, and do you remember what the third was?

12 A. There was noise, aesthetics, and there are four, there
13 was the PILOT and other mitigations, and it was just
14 the Project layout, I believe. So, the Project layout,
15 noise, aesthetics, and the PILOT and other mitigations.

16 Q. Okay. So, let me go to step back a second. And, if
17 you go to Page 2 of your testimony, I believe near the
18 top of the page, it reads "I am responsible for
19 tracking wind energy development worldwide with
20 specific focus on public policies driving
21 industrial-scale wind energy development and the
22 potential impacts on the natural environment." And, I
23 believe it continues, but I want to focus on that
24 piece. Do you have that in front of you?

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 A. I do have that.

2 Q. Okay. So, if I understand correctly, you've identified
3 two concerns in your testimony related to potential
4 impacts on the natural environment, and those are
5 "noise" and "aesthetics", right?

6 A. Correct.

7 Q. Okay. Have you read the Antrim Zoning Ordinance?

8 A. I did a while ago.

9 Q. Okay. I have a copy here. I'll put it -- well, let me
10 ask you this. Do you remember what the standard is for
11 protection of aesthetics in the Zoning Ordinance?

12 A. Okay. I just want to make sure. We're talking about
13 the Ordinance and not the agreement that was signed
14 between Antrim Wind and the Board of Selectmen,
15 correct?

16 Q. That's right.

17 A. Okay. I don't remember what the standard was on
18 aesthetics. It does not have a large scale wind energy
19 ordinance built into it, as far as I know.

20 Q. Do you know what the standards are for protection
21 against noise in the Antrim Zoning Ordinance?

22 A. I don't.

23 Q. What about wildlife?

24 A. I don't.

[WITNESS: Linowes]

1 Q. Okay.

2 A. Relative to large scale turbines, probably nothing,
3 unless it has something in general in there.

4 Q. Uh-huh. So, it's your understanding, I assume, that a
5 project below 30 megawatts doesn't have to go to the
6 Committee, right?

7 A. It's not required statutorily.

8 Q. Uh-huh. And, the Project we're dealing with here is
9 less than 30 megawatts, right?

10 A. Correct.

11 Q. So, how would the public be protected if this Committee
12 did not take jurisdiction on noise, aesthetics, and
13 wildlife?

14 A. Well, the Town of Antrim would be able to assert that.
15 Under public health and safety, the ordinance, the
16 preamble, I don't remember the exact wording, but the
17 preamble of any ordinance would say "the purpose of it
18 is to protect the health, welfare, safety, *etcetera*,
19 *etcetera*, of those living in the Town of Antrim", or
20 any town.

21 Q. Uh-huh. You've been a member of a planning board in
22 which town is it?

23 A. In the Town of Windham.

24 Q. Windham, New Hampshire?

[WITNESS: Linowes]

1 A. Correct.

2 Q. Is it -- that's not where you live now, is it?

3 A. No, it isn't.

4 Q. Okay. All right. And, have you been a member of any
5 other planning board?

6 A. No. I was an alternate on the Planning -- I think I
7 was an alternate on the Planning Board, maybe not. I
8 don't remember on Lyman, in the Town of Lyman, which is
9 where I live now.

10 Q. Okay. And, how long were you on the Windham Planning
11 Board?

12 A. One term.

13 Q. When was --

14 A. Three years.

15 Q. When was that?

16 A. It's -- I don't remember the year. Maybe 2000 to 2003.

17 Q. Okay. And, you say, going back to Page 2 of your
18 testimony, "I advise public and private entities on
19 siting issues relative to wind energy development."

20 A. Uh-huh.

21 Q. Who have you given advice to relative to Antrim Wind?

22 A. In the Town of Antrim? I mean, to answer --

23 Q. No. No. Regarding this Project, have you advised any
24 public or private entities on this Project?

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 A. Well, private entities would be the Blocks --

2 Q. Uh-huh.

3 A. -- and other residents of Antrim. I have made
4 information available to them regarding the impacts of
5 wind energy, and also the siting of this particular
6 Project, not this one, but the predecessor Project.

7 Q. So, the Blocks, any other residents?

8 A. There will be others, yes.

9 Q. Who are they?

10 A. You know, when I go back and check the e-mail list, I
11 could pull those names. If that's -- is that a data
12 request?

13 Q. No. No. I'm actually asking the question. I'm just
14 curious who you can recall today, other than the
15 Blocks?

16 A. Well, okay. I can't remember -- I cannot recall the
17 specific topics, but there are various people that were
18 involved. Many of them were intervenors at the time of
19 the prior Project.

20 Q. Uh-huh.

21 A. So, I mean --

22 Q. Okay. Now, let me focus on, because you have two
23 components here, let's set aside residents in the Town.
24 I think you've answered that. And, it consists

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 primarily of abutters, and maybe a few others similarly
2 situated, is that --

3 A. Yes.

4 Q. Do you agree with that?

5 A. Correct.

6 Q. Now, when you say "I advise", in your testimony,
7 "public entities", have you advised any public entities
8 on this Project?

9 A. No.

10 Q. And, I believe Attorney Taylor asked you if you had
11 ever advised anyone, public or private entities, to
12 help them site a facility?

13 A. Anywhere in the United States?

14 Q. Have you ever assisted someone in trying to get a wind
15 project approved?

16 A. Oh, get a wind project approved. No.

17 Q. Okay. So, is it fair to say that, in each case, you
18 were working with someone opposed to a project?

19 A. No.

20 Q. Okay. Have you ever worked with someone in favor of a
21 project?

22 A. I have worked with individuals that have sat on
23 deciding boards at various levels who have contacted me
24 and asked for information about siting. And, they are

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS: Linowes]

1 not allowed to have a position one way or the other.

2 They were just looking for information.

3 Q. Okay. But have you ever assisted an individual --
4 strike that. So, then, you would -- let me ask if this
5 would be a fair characterization. It sounds like what
6 you're saying is is you have tried to provide
7 information to people who might be undecided?

8 A. Undecided on whether they want the project or not?

9 Q. Correct.

10 A. No. I am -- the Windaction Group is not out trying to
11 kill wind energy all over the country, okay, if that's
12 where you're going with this? And, we are not in the
13 position of only speaking to individuals who oppose
14 projects and are looking for a way to stop it from
15 being built. We, as I state over and over again in
16 every proceeding, and I'll say it again here, our role
17 is to simply balance the debate. We want to make sure
18 that it's not a one-sided database of information out
19 there.

20 Q. I understand. So, my --

21 A. And, so, people come to the Windaction Group, come to
22 me, and ask "what are the impacts of wind?" And, "what
23 are the typical setbacks?" And, "what are the typical
24 noise limits?" And, "what are the issues that we're

[WITNESS: Linowes]

1 dealing with here or potentially going to be looking
2 at?" That's what I ask -- they ask.

3 They share their ordinances before they
4 get put for public hearings and ask me what I think of
5 them, and how did they compare to what's out there?
6 And, there's a whole litany of the types of questions
7 we get, from people of all different backgrounds.

8 And, I do want to modify one question.
9 We have been contacted by wind developers who have
10 asked us where are there issues -- what are the issues
11 in specific communities.

12 Q. So, that was my -- really, you're getting to the heart
13 of my question. It's not more complicated than what
14 I'm asking you. And, that was whether you had ever
15 assisted someone in trying to get a project approved?
16 And, could you give me an example of having -- of an
17 instance where you've done that?

18 A. No. I cannot give you an instance. I can give you --
19 I can look back and find the times when we've been
20 contacted by wind developers who are interested in
21 knowing what the issues are. But any one project? No,
22 I cannot say that.

23 Q. You say you "can't say". But what I'm looking, just
24 because of the nuances with the way transcripts work,

[WITNESS: Linowes]

1 does that mean you can't say because there are no
2 examples of where you've assisted someone trying to get
3 a project approved?

4 A. Right. There have been no examples that I could point
5 to a wind project and state that to be the case.

6 Q. All right. So, other than the preamble in Antrim's
7 Zoning Ordinance, are you aware of any other authority
8 for a town planning board to simply deny a project,
9 because of noise or aesthetics or wildlife?

10 A. Deny it or approve it based on that?

11 Q. Uh-huh. And, let me rephrase that. Let's strike that
12 question and look at this project in particular. Other
13 than the preamble in Antrim's Zoning Ordinance, what
14 authority are you aware of that might be used to
15 protect the public against noise, wildlife or aesthetic
16 impacts?

17 A. I mean, okay, let me make sure I understand what you're
18 asking. Is there a specific law in the Ordinance, in
19 the Zoning Ordinance as it stands today -- a provision,
20 rather, that mandates that the noise be limited to a
21 certain level or mandates that wildlife impacts be
22 curtailed to a certain point? Is that what you're
23 asking me? Is there something in the Ordinance?

24 Q. What would your answer be to that question that you

[WITNESS: Linowes]

1 just posed?

2 A. There -- okay. Let me answer it this way. Any large
3 development that comes to any community, there -- not
4 everything that is governing or that is an element of
5 that development is detailed in every zoning ordinance,
6 okay? There are -- the planning boards do have a fair
7 amount of control or say over a lot of issues around a
8 siting of a development. We don't have an ordinance
9 for big box -- big box stores in every community. But
10 somehow communities manage to approve them or
11 disapprove them.

12 This is the same thing. This is a site
13 plan of a project that will come to the community.
14 Granted, there's no use. There is not an industrial
15 use called a "wind project" in their Ordinance, but --
16 and there may be some variances that will be needed to
17 get it approved in the community. But that doesn't say
18 that the Planning Board, if they could get past the --
19 if they could get the variances, the Planning Board
20 does not have the authority to oversee siting of the
21 Project.

22 Q. Now, that's a -- it sounds like a legal opinion to me.
23 And, you're just basing that on just general authority
24 to review projects?

[WITNESS: Linowes]

1 MS. MALONEY: I'm going to object. You
2 asked her a question, she answered the question. So, I
3 mean, you asked her a question, a legal question, and now
4 you're objecting to the answer.

5 MR. RICHARDSON: Actually, she asked the
6 question herself.

7 MR. IACOPINO: Well, what's the question
8 right now?

9 MR. RICHARDSON: I didn't ask it.
10 She -- I asked her a question --

11 MS. MALONEY: But you're asking her --
12 you're asking her a legal question. And, the only answer
13 she can give is the answer she can give. So, I mean, --

14 MR. IACOPINO: What is your question
15 right now, other than characterizing the answer that she
16 gave you as a "legal opinion"? What's the question?

17 MR. RICHARDSON: So, let me go back.
18 Because the question I asked, which she didn't answer, and
19 then stated in her own way, was what, other than the
20 preamble to the Zoning Ordinance, what authority is she
21 relying on in assuming that these impacts -- potential
22 impacts to noise, aesthetics or wildlife could be
23 regulated by the Board?

24 **BY THE WITNESS:**

[WITNESS: Linowes]

1 A. Okay. If you -- if we swap out the wind project and
2 swap in a Walmart, the Planning Board has the authority
3 to decide whether or not there's going to be a
4 significant impact on wildlife. Somewhere in there
5 they're going to be able to decide that, if it's --
6 maybe it's not specifically spelled out, but there may
7 be concerns raised about that, and they can argue it.
8 I mean -- okay. So, --

9 BY MR. RICHARDSON:

10 Q. You're making this question a little bit more
11 complicated than I think it is. What authority are you
12 aware of, other than the preamble?

13 A. I can't answer the question. Apparently, I can't
14 answer the question.

15 Q. Are you aware of any other authority?

16 MS. MALONEY: I'm going to object again,
17 because I really do think this is -- goes beyond the scope
18 of these proceedings. This was, you know, based on your
19 order, supposed to be addressing whether or not there's a
20 substantial change between this Project and the prior
21 Project, the 2012 Project.

22 And, with all due respect, I think this
23 really goes to the proceeding, if the SEC determines there
24 is jurisdiction -- or, rather, to the actual adjudicatory,

[WITNESS: Linowes]

1 I mean, I --

2 MR. IACOPINO: Mr. Richardson, if I
3 understand your question correctly, you're asking her to
4 cite what authority within the Zoning Ordinance or
5 Planning Ordinance in Antrim that protects, is that right?

6 MR. RICHARDSON: I'm just asking her for
7 what the legal authority would be for the Planning Board
8 to protect wildlife, noise or aesthetics, other than
9 what's in the preamble?

10 MR. IACOPINO: Okay. Can you answer
11 that question? Do you know what legal authority they
12 would have?

13 **BY THE WITNESS:**

14 A. I can't answer the question.

15 BY MR. RICHARDSON:

16 Q. And, is that because you don't know the answer?

17 A. I would want to go back and look at the RSAs governing
18 the Planning Board. And, I would want to go back and
19 look at the specific Ordinance. But I would be -- and,
20 I'll leave it at that.

21 MR. IACOPINO: Mr. Richardson, from her
22 prior answer, it's pretty clear to me she believes that
23 the Planning Board has a general level of discretion to
24 act on anything that's brought before it.

[WITNESS: Linowes]

1 MR. RICHARDSON: Uh-huh.

2 MR. IACOPINO: Now, whether that's
3 correct or not isn't really an issue to be argued here
4 today.

5 MR. RICHARDSON: Understood.

6 MR. IACOPINO: You know, that seems to
7 be her understanding, the way I interpret it. And, I
8 think most laypeople probably have that same view.

9 MR. RICHARDSON: Uh-huh.

10 BY MR. RICHARDSON:

11 Q. And, let me clarify, if I can. When you say "I can't
12 answer", you mean to say "you're not aware of anything
13 sitting here today"?

14 A. I would like to go back and look at the RSAs again.
15 Why is that upsetting to you?

16 Q. Well, I'm trying to ask you a "yes" or a "no" question.
17 Are you or are you not aware of any other legal
18 authority, other than what we have discussed today?

19 A. I would like to go back and look at the RSAs.

20 MR. IACOPINO: So, I think her answer is
21 "no, not today", she's not. I mean, she has to go look at
22 the RSAs. So, that's --

23 MR. RICHARDSON: But this is --

24 MR. IACOPINO: And, the RSAs aren't

[WITNESS: Linowes]

1 going to change. They're going to read the same way to
2 you as they read to her. And, if it becomes an issue in
3 this proceeding, the RSAs are going to speak for
4 themselves.

5 MR. RICHARDSON: I'm not trying to drag
6 this on. I'm simply trying to get the witness to tell me
7 whether or not she's aware of something, and I get a
8 qualified, rambling explanation each time.

9 MR. IACOPINO: Well, I don't think it's
10 rambling. I think that she said "no, right now she does
11 not, but she would go back and look at the RSAs." Which
12 would probably be the place that most of us would look for
13 the authority of a planning board.

14 BY MR. RICHARDSON:

15 Q. Ms. Linowes, have you ever been certified or testified
16 as a visual impacts expert?

17 A. No.

18 Q. You heard Ms. Vissering testify here two weeks ago, I
19 believe?

20 A. I didn't hear her testify, but I know she responded to
21 questions.

22 Q. Okay.

23 A. Not under oath. This is not a deposition.

24 Q. Do you understand it to be your obligation to answer

[WITNESS: Linowes]

1 all of the questions you've been asked fairly and
2 accurately?

3 A. Yes, I do. I'm responding to the fact that she did
4 not -- I did not think she was "testifying" last time.
5 She was responding to questions.

6 Q. And, yes or no, you've answered all of the questions
7 today fairly and accurately?

8 A. Yes.

9 Q. Okay. Do you recall Ms. Vissering testifying that --
10 or, excuse me, addressing the Committee last week or
11 the week before, and she made a statement to the effect
12 that "you can't determine visual impact based on height
13 alone." Do you remember that?

14 A. I do. But did you say "addressing the Committee"?

15 Q. Yes. I'm sorry. This is a Committee proceeding. What
16 I meant is, is the parties were convened as part of
17 this proceeding.

18 A. Okay.

19 Q. So, do you recall Ms. Vissering responding to
20 questions --

21 A. Uh-huh.

22 Q. -- and stating that "you can't determine visual impact
23 based on height alone"?

24 A. I do recall that.

[WITNESS: Linowes]

1 Q. And, do you agree with that statement that she made?

2 A. I do.

3 Q. Has Windaction Group ever prepared a visual impacts
4 analysis?

5 A. No.

6 Q. Same question for noise?

7 A. No.

8 Q. Same question for wildlife?

9 A. A wildlife impact statement?

10 Q. Uh-huh.

11 A. No.

12 Q. And, is -- it's true then that you've not testified as
13 an expert witness on visual impacts, noise or wildlife?

14 A. Correct.

15 Q. What's the yardstick you would use to determine whether
16 or not a project is different?

17 A. I think that I lay that out in the testimony, in terms
18 of the prior Project and this Project. If you're
19 asking about projects in general, I can't -- I don't
20 understand the question.

21 Q. Well, what's the best way to measure whether or not
22 this Project is different as from the prior Project, as
23 opposed to merely looking at whether the impacts are
24 different?

[WITNESS: Linowes]

1 A. I believe that the -- if I -- I don't have the order in
2 front of me with regard to the questions here, but I
3 think that the order said something to the effect that
4 "we will be identifying what -- the differences between
5 the projects and the impacts associated with those
6 differences. So, if you can ask that question one more
7 time.

8 Q. You recognize that a project could have a different
9 configuration, but have the same impact? Let's look at
10 aesthetics, for example?

11 A. That is true.

12 Q. Would that be a different project or the same project,
13 in your view?

14 A. I don't know. That will be a hypothetical question.
15 We're looking at a Project that has nine out of the ten
16 turbines in exactly the same location. I think that's
17 all we should be focusing on.

18 Q. Now, you indicated, in response to a question from
19 Attorney Taylor, that the Windaction Group's officers
20 have been filed with the State, and I assume you mean
21 the Secretary of State?

22 A. That's correct.

23 Q. Okay. Now, I look at "officers" to mean something
24 different than just board of directors. How did you --

[WITNESS: Linowes]

1 what did you mean by "officers"?

2 A. A president or chairman, vice chairman, and I believe
3 secretary.

4 Q. Okay. So, what are the -- who are the officers in
5 Windaction Group?

6 A. Jonathan Linowes, myself, and Rob Pforzheimer.

7 Q. Okay. But could you state what their positions are?

8 A. I believe I am the Chairman, and Jonathan Linowes is
9 Vice chairman or President, and Rob Pforzheimer, I
10 believe, is Secretary.

11 Q. Have you received donations from any Antrim residents
12 or businesses?

13 A. No.

14 Q. And, that is true both of you personally and true of
15 Windaction Group?

16 A. That's correct.

17 Q. Who would you consider to be your core group that you
18 work with on this Project?

19 A. I don't have one now, this go-around.

20 Q. Okay. So, then, your testimony is yours alone?

21 A. Correct.

22 Q. And, you've not worked with any other party in deciding
23 how to prepare it?

24 A. No.

[WITNESS: Linowes]

1 Q. What it says?

2 A. No.

3 Q. Did you show it to anyone?

4 A. No.

5 Q. Did you e-mail it to anyone?

6 A. Prior to it being --

7 Q. Filed, yes.

8 A. -- sent to Jane Murray, no.

9 MR. RICHARDSON: I have no further
10 questions.

11 MR. IACOPINO: Thank you. Mr. Newsom?

12 MR. NEWSOM: No questions.

13 MR. IACOPINO: Okay. Mr. Howe?

14 MR. HOWE: No questions.

15 MR. IACOPINO: Okay. There's nobody
16 here from the abutters. Any questions from the non -- oh,
17 is there a spokesperson for the non-abutting property
18 owners?

19 MS. BLOCK: I am.

20 MR. IACOPINO: Did you have any
21 questions for Ms. Linowes?

22 MS. BLOCK: No, I do not.

23 MR. IACOPINO: Okay. I think that we
24 are done with the Windaction Group. And, we will move on

[WITNESS PANEL: Carey Block~Law~Cleland~Voelcker]

1 to the non-abutting property owners. I guess there's four
2 of you here -- or, five of you. Maybe we can move one
3 more chair over here.

4 And, why don't we take a 15-minute
5 break, okay, to give you a break.

6 (Recess taken at 10:13 a.m. and the
7 technical session resumed at 10:21 a.m.)

8 MR. IACOPINO: Okay. We're back on the
9 record. And, we're to proceed with the panel of the
10 non-abutting property owners as witnesses. And, those
11 present are Lorraine Carey Block, Annie Law, Robert
12 Cleland, and Elsa Voelcker.

13 And, the order will be the same as
14 before. We'll start with Counsel for the Public.

15 MS. MALONEY: I don't have any
16 questions.

17 MR. IACOPINO: Okay. The Applicant.

18 MR. TAYLOR: I just have a couple
19 questions.

20 **WITNESS: LORANNE CAREY BLOCK**

21 **WITNESS: ANNIE LAW**

22 **WITNESS: ROBERT CLELAND**

23 **WITNESS: ELSA VOELCKER**

24 BY MR. TAYLOR:

[WITNESS PANEL: Carey Block~Law~Cleland~Voelcker]

1 Q. So, my question is for Mr. Cleland.

2 A. (Cleland) Yes.

3 Q. In your testimony, on Page 2, you state that you've
4 "done extensive research and found that wind energy is
5 the highest costing form of energy".

6 A. (Cleland) That's correct.

7 Q. Is that research -- is that research that you performed
8 on your own?

9 A. (Cleland) No. That's research I found online.

10 Q. Okay. Did anybody provide you with research or
11 information?

12 A. (Cleland) No.

13 Q. Is the research that you did, is that collected
14 anywhere?

15 A. (Cleland) Yes. I have some collected. It's not here
16 today, but I do have some.

17 Q. Okay. I'll make a request for whatever research you
18 reference here in your testimony.

19 A. (Cleland) That's fine.

20 Q. Thanks. In your testimony, you say that "the citizens
21 of Antrim won't benefit" from the Antrim Wind Project.
22 And, I just wanted to understand what you meant by
23 that?

24 A. (Cleland) Well, I believe that in the area the property

{SEC NO. 2014-05} [Technical session] {05-04-15}

[WITNESS PANEL: Carey Block~Law~Cleland~Voelcker]

1 values are going to drop, done some research and
2 checked. So, I can see that the property values are
3 going to rise on the other people in the Town to carry
4 the expense. And, I just don't believe that much money
5 will end up going to the Town of Antrim. I think we
6 may be subsidizing some of this Project. That's my
7 opinion.

8 Q. Okay. And, that's just an opinion you've formed after
9 doing the research and reviewing the Project?

10 A. (Cleland) Right. But I talked to some other realtors,
11 or some realtors I've gotten some information, and I
12 was told that my property value would probably drop.

13 Q. Oh. And, who did you speak to about that?

14 A. (Cleland) I talked to Paul Hardwick, in Antrim, New
15 Hampshire.

16 Q. Okay.

17 MR. IACOPINO: Could you spell that last
18 name?

19 MR. CLELAND: H-a-r-d-w-i-c-k, I think.

20 MR. IACOPINO: Thank you.

21 BY MR. TAYLOR:

22 Q. And, is that an opinion he provided to you in writing
23 or in just --

24 A. (Cleland) He did submit, in the beginning, I'm not sure

[WITNESS PANEL: Carey Block~Law~Cleland~Voelcker]

1 if it was to the Zoning Board, but he did submit a
2 letter to the Town I looked at.

3 Q. Okay. Is that something you could provide to me?

4 A. (Cleland) I think we could find it.

5 Q. Okay. Thanks. You also say here that "Antrim Wind
6 will more than likely sell out to a larger company."
7 And, what are you basing that on?

8 A. (Cleland) That's my personal opinion.

9 Q. Have you seen -- have you seen evidence of that
10 happening in other areas or contexts?

11 A. (Cleland) No.

12 MR. TAYLOR: Those are all the questions
13 I have.

14 MR. IACOPINO: Did you have questions
15 for anybody else on the panel?

16 MR. TAYLOR: I actually do not have any
17 other further questions.

18 MR. IACOPINO: Okay. Justin.

19 MR. RICHARDSON: I'll follow Counsel for
20 the Public.

21 MR. IACOPINO: Counsel for the Public
22 had no questions.

23 MR. RICHARDSON: Oh. Oh, I'm sorry. I
24 thought -- I misunderstood. I have no questions then.

1 MR. IACOPINO: She had no questions.

2 MR. RICHARDSON: There goes my attempt
3 at humor. I was going to defer to her, she was going to
4 say "no questions", and I was going to say "I have no
5 questions." Sorry.

6 MR. IACOPINO: Anyway, it's your turn.

7 MR. RICHARDSON: I blew it again. I
8 have no questions.

9 MR. IACOPINO: Okay. Lisa, any
10 questions?

11 MS. LINOWES: No questions.

12 MR. IACOPINO: Okay. Mr. Newsom?

13 MR. NEWSOM: No questions.

14 MR. IACOPINO: Mr. Howe?

15 MR. HOWE: No questions.

16 MR. IACOPINO: Okay. And, there's
17 nobody here from the abutters. So, we are done. Thank
18 you all very much.

19 Let me go over the list of things that
20 have been requested of whom. I'll start with the
21 non-abutters. I have two requests made by the Applicant.
22 Both of these requests were addressed to Mr. Cleland. The
23 first was a request for the research that he's done that
24 is referenced in his testimony. The second request is a

1 copy of the letter from Mr. Hardwick to some Town board
2 regarding property values.

3 And, then, the requests to Ms. Linowes,
4 who I understand that some of these are objected to:
5 There's a request for the list of names of the state
6 leaders on a state-by-state basis that she referred to in
7 her network. She objected to that request. There's a
8 request for the names of the Antrim folks who requested
9 her involvement in the original docket. And, she has
10 agreed to look through her e-mails and provide that
11 information. And, the third request was -- the third
12 request to her was for funding records, including
13 donations, a list of donators and the amount donated.
14 And, I understand that those requests were joined in by
15 the Town.

16 And, I thought, Mr. Richardson, did you
17 make one additional request or -- because I might have
18 missed it?

19 MR. RICHARDSON: No. I believe the
20 witness offered to provide information, and I instead
21 asked what she knew today.

22 MR. IACOPINO: Okay.

23 MR. RICHARDSON: So, I didn't intend to
24 make a request, although it was mentioned. But I didn't

1 make it.

2 MR. IACOPINO: Thank you.

3 MR. TAYLOR: May I make a request for a
4 clarification?

5 MR. IACOPINO: Sure.

6 MR. TAYLOR: The objections that were
7 made to our request, specifically the objection to the
8 list of names of the state leaders, and the list of the
9 names of the sources of funding and donations, I
10 understand that there are objections on the record.
11 Typically, in discovery, when objections are made, there's
12 usually a ground stated for the objection. And, I'm
13 wondering if, it will just help the process, if we can
14 understand what the basis of the objection is.

15 MS. LINOWES: The primary objection is
16 that I do not see where it's relevant to the proceeding.
17 With regard to the names of the individuals
18 state-by-state, it will take time. I'm not going to make
19 that information available without their permission. And,
20 so, it would be a -- it could take time to get that. And,
21 they may not grant me permission. And, I'm not going to
22 made it available otherwise.

23 MR. TAYLOR: And, so, even if there were
24 a confidentiality order in place, you still would not

1 produce them absent the permission of these individuals?

2 MS. LINOWES: I would have to think
3 about that. They are not here, they are not part of this
4 proceeding. And, granted, it would be subject -- if it's
5 subject to confidentiality, I would still want to make
6 sure that they're comfortable with that.

7 MR. TAYLOR: I would disagree that
8 they're not part of the proceeding. You've represented
9 that you represent a network, and that these people are
10 part of your network.

11 MS. LINOWES: That is true. But I did
12 not --

13 MR. TAYLOR: And, so, I'm going to
14 disagree with you on that point.

15 MS. LINOWES: I did not say I'm
16 representing them in this proceeding.

17 MR. TAYLOR: You're representing --

18 MR. IACOPINO: I think we've -- I think
19 we've trotted over this ground. You'll file a motion. If
20 she continues to object, she'll file an objection. And,
21 the Chair will make a determination, okay?

22 MR. TAYLOR: Fair enough.

23 MR. IACOPINO: I would encourage you
24 both to put all of your arguments in your motion and

1 objection. And, I would also encourage you both, if you
2 can come to some agreement, either by limiting the amount
3 of information or subjecting it to a confidentiality
4 agreement, I would encourage you to pursue discussions
5 along those lines.

6 MS. LINOWES: And, I have no objection
7 to supplying you with the list of states.

8 MR. TAYLOR: I'll let my request stand
9 as it is.

10 MS. LINOWES: Okay.

11 MR. TAYLOR: Thanks.

12 MR. IACOPINO: When you say a "list of
13 states", you mean the states themselves?

14 MS. LINOWES: Correct.

15 MR. IACOPINO: Like --

16 MS. LINOWES: States where we do have
17 state leaders.

18 MR. IACOPINO: Like Alabama through
19 Texas, or whatever the last one is.

20 MS. LINOWES: And, I would actually
21 discretely name them.

22 MR. IACOPINO: Okay. So, those are the
23 requests that are out there.

24 Unless somebody has anything further --

1 MR. WARD: When's the next get-together
2 about anything?

3 MR. IACOPINO: There will be a
4 procedural order that will come from the Chair.

5 MR. WARD: Okay. There's nothing
6 standing right now?

7 MR. IACOPINO: Not that I'm aware of off
8 the top of my head.

9 MR. WARD: Okay.

10 MR. RICHARDSON: So, just to be clear,
11 motions to compel under the procedural order were due
12 within seven days of the technical conference.

13 MR. IACOPINO: Yes.

14 MR. RICHARDSON: This being the second
15 day. So, any of the requests made today are subject to
16 that seven-day rule.

17 MR. IACOPINO: Yes.

18 MR. RICHARDSON: So, it starts over
19 again. We don't have to do this on the record. But could
20 we talk about likely scheduling dates, just so we can look
21 at our calendars?

22 MR. IACOPINO: You can give me dates
23 that you all are best for this.

24 MR. RICHARDSON: Uh-huh.

1 MS. MALONEY: I don't have my calendar
2 with me.

3 MR. IACOPINO: But there is a -- I don't
4 have dates from my Committee yet. That's the problem.

5 MR. RICHARDSON: Well, do you know --
6 and should we do this off the record? I just thought
7 we --

8 MR. IACOPINO: That's fine. We can
9 adjourn and go off the record and talk about scheduling.

10 MR. RICHARDSON: Okay. Thanks.

11 **(Whereupon the technical session was**
12 **adjourned at 10:30 a.m.)**

13

14

15

16

17

18

19

20

21

22

23

24